

**March 2, 1998**

**DURHAM, NORTH CAROLINA  
MONDAY, MARCH 2, 1998  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: Council Member Engelhard.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

The meeting was called to order by Mayor Tennyson and at this time, the Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell requested that Consent #5 [Proposed Cleaning Contract for the Durham Bulls Athletic Park] be referred to the administration to be brought back before the council at the March 16, 1998 City Council Meeting. City Manager Ewell noted that the council could still proceed with appointing a Liveable Wage Subcommittee of Council. Mayor Tennyson noted that the following items were pulled from the Consent Agenda by citizens: Consent Items 11 and 16. Also, the Mayor reminded the council of the revisions regarding the Consent Agenda.

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**[CONSENT AGENDA]**

**SUBJECT: BIDS - 1997 ANNUAL CITY AUCTION**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the "high" bids received at the 1997 Annual City Auction was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

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**SUBJECT: BIDS - CELLULAR TELEPHONE SERVICE, GTE MOBILNET, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a two (2) year contract with GTE Mobilnet, Inc. in the estimated amount of \$45,960.00 for providing the City with cellular telephone service was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**SUBJECT: SALE OF SURPLUS PROPERTY ON EDMONT LANE TO DURHAM COUNTY HABITAT FOR HUMANITY**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the private sale of real property at Edgemont Lane (Lots 18-23 inclusive) to Durham County Habitat for Humanity for \$30,000, under the authority of G.S. 160A-279 was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Resolution #8429**

**SUBJECT: REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS - CONSTRUCTION OF SIDEWALKS ON LIBERTY AND ELIZABETH STREETS, LAKEWOOD, MAPLEWOOD AND VICKERS AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution setting a public hearing on Monday, March 16, 1998 to receive citizen comments on the proposed reallocation of Community Development Block Grant (CDBG) funds in the amount of \$248,000 to be used for the construction of sidewalks on Liberty Street, Elizabeth Street, Lakewood Avenue, Maplewood Avenue, and Vickers Avenue was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Resolution #8430**

**SUBJECT: PROPOSED CLEANING CONTRACT FOR THE DURHAM BULLS ATHLETIC PARK FOR THE 1998 SEASON - FARRINGTON JANITORIAL SERVICE**

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Earlier in the meeting, City Manager Ewell requested council to refer this item to the administration. He stated the item would come back before the council in two weeks.

To authorize the City Manager to execute a one-year extension to the existing cleaning contract for the Durham Bulls Athletic Park for the 1998 season between the City of Durham and Farrington Janitorial Service in the amount of \$3,437 per game.

**MOTION** by Council Member Larson seconded by Council Member Miller to refer this item to the administration was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**MOTION** by Council Member Larson seconded by Council Member Miller to appoint a Liveable Wage Subcommittee of Council as follows was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

Council Member Cynthia Brown, Chairperson  
Council Member Pamela Blyth  
Mayor Pro Tempore Howard Clement, III  
Council Member Paul Miller  
Council Member Floyd McKissick

**SUBJECT: TRIANGLE TRANSIT AUTHORITY'S ANNUAL FINANCIAL REPORT AND STATION AREA DEVELOPMENT GUIDELINES FOR REGIONAL TRANSIT STATIONS**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive the Triangle Transit Authority's Annual Financial Report for the fiscal year ended June 1997 and the Station Area Development Guidelines for Regional Transit Stations; and

To refer the Station Area Development Guidelines for Regional Transit Stations to the Durham Planning Commission for review and a recommendation to come back to Council was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

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**SUBJECT: EXTENSION OF LANDFILL ENVIRONMENTAL MONITORING CONTRACT WITH MALCOLM PIRNIE, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a one-year extension of the existing contract with Malcolm Pirnie, Inc. for landfill environmental monitoring services and to modify Exhibit A to reflect the dates the services should be performed was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**SUBJECT: FIRE LANES - PARK WEST CROSSING SHOPPING CENTER, CROSS CREEK SHOPPING CENTER, JOYLAND SHOPPING CENTER, AND DOWNTOWN YMCA**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt An Ordinance to Amend Durham City Code Section 20-190, Category XVII - Traffic Control and Regulation Schedule by Modifying Properties Already in Category XVII "Fire Lanes on Private Property Devoted to Public Use" to add areas at Park West Crossing Shopping Center, Joyland Shopping Center, Cross Creek Shopping Center, and Downtown YMCA was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Ordinance #11368**

**SUBJECT: PARK RENOVATION, PLAYGROUND RENOVATION, AND GREENWAY DESIGN LANDSCAPE ARCHITECTURAL CONSULTANT SERVICES CONTRACTS**

a. Little Lick Creek Greenway

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract in the amount of \$39,600, including contingency, with Susan Hatchell, ASLA for the Master Plan of the Little Lick Creek Greenway (3.6 miles) was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

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b. American Tobacco Trail/Third Fork Creek Linkages (7.7 Miles)

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract in the amount of \$88,132, including contingency, with Hayes, Seay, Mattern, and Mattern Inc. for the Master Plan of the American Tobacco Trail/Third Fork Creek linkages (7.7 miles) was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

c. Twin Lakes Park

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract in the amount of \$65,890, including contingency, with Lappas & Havenor, PA for the Master Plan, Design Development and Construction Documentation for the expansion of Twin Lakes Park was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

d. Unity Village and Walltown Parks

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract in the amount of \$40,480 including contingency, with Paton/Zucchino Associates, PA for the Master Plan, Design Development and Construction Documentation of the Renovation of Unity Village and Walltown Parks was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

e. Forest Hills Park, Grant Park, and Rock Quarry Park and River Forest Playground

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract in the amount of \$87,675, including contingency, with Moore Iacofano, Goltsman, Inc. for the Master Plan, Design Development and Construction Documentation of the Renovation of Forest Hills Park, Grant Park, and Rock Quarry Park and River Forest Playground was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth,

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Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to modify each of the above five contracts before executing them, if the City Manager finds that the modifications are consistent with the general intent of the existing versions of the contract and that the modifications do not lengthen the deadlines for the consultant services to be performed or change either the dollar amounts to be paid by the City or the general nature of the scope of service was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Manager, on behalf of the City Council, to send a letter to the firms informing them of the City's policy regarding diversity and offering the City's assistance in their outreach efforts was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**SUBJECT: CONSULTANT SERVICES FOR CONSTRUCTION ADMINISTRATION OF PHASES A AND B OF THE AMERICAN TOBACCO TRAIL - COULTER HART JEWELL THAMES, PA**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract in the amount of \$250,000, plus a 15% contingency of \$37,500, with Coulter Hart Jewell Thames, PA for the construction administration of Phases A and B of the American Tobacco Trail; and

To authorize the City Manager to modify this contract before executing it, if the City Manager finds that the modifications are consistent with the general intent of the existing version of the contract and that the modifications do not lengthen the deadlines for the consultant services to be performed or change the dollar amounts to be paid by the City or the general nature of the scope of services was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

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**SUBJECT: REQUEST FOR INTERSECTION IMPROVEMENTS - ALSTON AVENUE  
AND RIDDLE ROAD**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a status report from the Department of Transportation regarding traffic controls at the intersection of Alston Avenue and Riddle Road was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**SUBJECT: ADVANCED RIGHT-OF-WAY ACQUISITION ON US 15-501 - NORTH  
CAROLINA DEPARTMENT OF TRANSPORTATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution authorizing the City Manager to execute a Municipal Right-of-Way Agreement with North Carolina Department of Transportation (Project: U-2807) for advanced right-of-way acquisition on U.S. 15-501 (Chapel Hill Boulevard); and

To adopt a "Capital Project Ordinance Superseding Ordinance 11178 Concerning Federal and State Transportation Matching Projects" was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Resolution #8431  
Ordinance #11381**

**SUBJECT: WATER AND SEWER POLICIES - CODIFYING**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance Codifying Certain City Policies Regarding Refunds for Water and Sewer Construction and Certain City Policies Related to Development Inside and Outside the Priority Growth Area" was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Ordinance #11369**

**SUBJECT: WATER AND SEWER ASSESSMENT AND FRONTAGE CHARGE RATES**

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**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a policy establishing maximum water and sewer assessment rates for projects outside the Priority Growth Area; and

To adopt a "Resolution Increasing Water and Sewer Assessment Rates and Frontage Charges" was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Resolution #8432**

**SUBJECT: RESOLUTION MEMORIALIZING JAMES J. HENDERSON**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution memorializing James J. Henderson was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**SUBJECT: GLAXO WELLCOME LETTER**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Manager, on behalf of the Durham City Council, to send a letter to Glaxo Wellcome officials expressing the City's gratitude and appreciation to them as a valued corporate headquarters in this area was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**SUBJECT: SETTING PUBLIC HEARINGS FOR CONFIRMATION OF CERTAIN ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, March 16, 1998 for confirmation of the following assessment rolls:

- a. **Sewer Main - Chapel Hill Road** from New Mt. Moriah Road to east property line of Tax Map 483-1-11A; and
- b. **Sewer Main - Chapel Hill Road** from east property line of Tax



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Map 238B-1-17 to west property line of Tax Map 252-3-21

was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**SUBJECT: STOP SIGNS - AUDUBON PARK**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Rustic Wood Lane at Whisperwood Drive, southwest corner was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Ordinance #11370**

**SUBJECT: STOP SIGN - FORESTWOOD**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

- 1) Kaitlin Drive at Deep Forest Drive, northwest corner
- 2) Highplains Drive at Deep Forest Drive, northwest corner

**Ordinance #11371**

**SUBJECT: STOP SIGNS - HOPE VALLEY FARMS, SPRING MEADOW**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

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- 1) Spring Meadow Drive at Juliette Drive, northwest corner;
- 2) Ingram Court at Spring Meadow Drive, northeast corner;
- 3) Greymist Drive at Spring Meadow Drive, southwest corner;
- 4) Ascott Way at Spring Meadow Drive, southwest corner; and
- 5) Windyrush Court at Spring Meadow Drive, northeast corner

**Ordinance #11372**

**SUBJECT: STOP SIGNS - HOPE VALLEY FARMS, GABLE RIDGE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

- 1) Gable Ridge Drive at Juliette Drive, southeast corner, east intersection;
- 2) Ashford Lane at Gable Ridge Drive, northeast corner, west intersection;
- 3) Silhouette Drive at Ashford Lane, southeast corner;
- 4) Silhouette Drive at Gable Ridge Drive, northeast corner;
- 5) Gable Ridge Drive at Juliette Drive, southeast corner, west intersection; and
- 6) Ashford Lane at Gable Ridge Drive, northwest corner, east intersection

**Ordinance #11373**

**SUBJECT: STOP SIGNS - MANGUM TERRACE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing installation of stop signs at the following locations was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

- 1) Butler Street at Farrington Road, northeast corner; and
- 2) Buchanan Street at Butler Street, northwest corner

**Ordinance #11374**

**SUBJECT: NO PARKING - ALEXANDER STREET**

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**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance prohibiting parking at any time on the west side of Alexander Street at a point beginning 75 feet north of the north curb line with Pace Street, if extended, and extending southward to a point 75 feet south of the south curb line of Pace Street, if extended was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Ordinance #11375**

**SUBJECT: NO PARKING - LADLE DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance prohibiting parking at any time on the east side of Ladle Drive beginning at the south curb line of U.S. 15-501 Service Road, if extend, and extending southward to the west curb line of Mt. Moriah Road, if extended was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Ordinance #11376**

**SUBJECT: TWENTY MINUTE PARKING - MORGAN STREET**

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to repeal Ordinance #10075, adopted February 21, 1994 establishing twenty minute parking between the hours of 7:00 a.m. and 11:00 p.m. in the following locations:
- 1) On the south side of Morgan Street in the area beginning at a point 25 feet west of the west curb line of Forest Street, if extended, and extending for a distance of 171 feet westwardly;
  - 2) On the south side of Morgan Street in the area beginning at a point 231 feet west of the west curb line of Foster Street, if extended, and extending for a distance of 65 feet westwardly; and
  - 3) On the south side of Morgan Street in the area beginning at a point 331 feet west of the west curb line of Forest Street,

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if extended, and extending for a distance of 225 feet westwardly was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Ordinance #11377**

- b. **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing twenty minute parking between the hours of 7:00 a.m. and 6:00 p.m. at the following locations:
- 1) On the south side of Morgan Street in the area beginning at a point 25 feet west of the west curb line of Foster Street, if extended, and extending for a distance of 171 feet westwardly;
  - 2) On the south side of Morgan Street in the area beginning at a point 231 feet west of the west curb line of Foster Street, if extended, and extending for a distance of 65 feet westwardly; and
  - 3) On the south side of Morgan Street in the area beginning at a point 331 feet west of the west curb line of Foster Street, if extended, and extending for a distance of 225 feet westwardly was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**Ordinance #11378**

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the official minutes of the regular February 16, 1998 City Council meeting was approved at 7:35 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time of Vote: Council Member Brown. Absent: Council Member Engelhard.

**SUBJECT: CLOSED SESSION**

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City Attorney Blinder requested a closed session after the regular business of council to discuss pending litigation [Brown vs. City of Durham].

**MOTION** by Council Member Larson seconded by Council Member Miller to go into closed session after the regular business of council to discuss pending litigation [Brown vs. City of Durham] was approved at 7:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Cox. Absent: Council Member Engelhard.

There were no priority items from the City Clerk.

Mayor Pro Tempore Clement requested that a Resolution Memorializing Dr. George Hitchings be prepared by the City Clerk.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to add to the agenda "Resolution Memorializing Dr. George Hitchings" was approved at 7:38 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

#### **[GENERAL BUSINESS AGENDA]**

##### **[PUBLIC HEARINGS]**

**SUBJECT: Curb, Gutter, and Paving, and Water and Sewer Laterals on Crosswind Avenue from Chapel Hill Road to Hickman Avenue**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering curb, gutter, and paving, and water and sewer laterals on Crosswind Avenue from Chapel Hill Road to Hickman Avenue was approved at 7:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

**SUBJECT: Water Main - C-View Street** from South Alston Avenue to

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East Property Line of Tax 569-1-23 (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering water main improvements on C-View Street from South Alston Avenue to east property line of Tax Map 569-1-23 under the Enabling Act Authority was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

**SUBJECT: Sewer Main - Leah Lane** from North Property Line of Tax Map 773-3-1 to Marywood Drive and **Marywood Drive** from Leah Lane to North Property Line of Tax Map 773-5-9 (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main on Leah Lane from north property line of Tax Map 773-3-1 to Marywood Drive and Marywood Drive from Leah Lane to north property line of Tax Map 773-5-9 under the Enabling Act Authority was approved at 7:40 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

**SUBJECT: MAJOR SPECIAL USE PERMIT - SOUTHERN EQUIPMENT COMPANY, INC. CASE M97-9**

To hold the public hearing and evaluate the evidence presented and take one of the three actions below:

- a. **(Approval With or Without Conditions)** - To direct the Planning Director to prepare a decision granting with conditions the Use Permit in Case M97-9. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council's next meeting for action.)

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- b. **(Disapproval)** - To direct the Planning Director to prepare a decision denying the Use Permit in Case M97-9. (Council should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action.)
- c. **(Approval and Adoption of Order)** -To adopt the "Order Granting, Upon Certain Conditions, a Major Special Use Permit for Southern Equipment Company, Inc., Case M97-9."

Mayor Tennyson explained the proceedings for this item.

City Clerk Bowers swore in the following individuals: Helen Youngblood; Nazeeh Abdul-Hakeem; Paul Norby; Mark Ahrendsen; Attorney Jack Markham; James Hedrick; Ron Horvath; Jarvis Martin; and Larry Spence.

The Mayor asked council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, the Mayor asked if any council member had been exposed to any evidence or information that may not come out at the hearing tonight.

The Mayor opened the hearing on Case M97-9.

**Testimony from Staff**

Nazeeh Abdul-Hakeem, of the City/County Planning Department, noted the applicant; the owner and the location of the proposal. He stated the current use was a concrete plant and the proposed use was for a concrete plant. Mr. Hakeem briefed the council on the surrounding uses. He noted according to the site plan approved by DRB, the proposal met the requirements of the zoning ordinance [six foot fence around the front of the property facing the highway, a distance of 100 feet from residential zones and uses; and a size of four acres or more].

The Mayor asked if there were questions from the council, the applicant or other interested parties. [No questions]

**Testimony from Applicant**

Attorney Jack Markham, representing Southern Equipment, spoke in support of the request and asked the council to support the permit.

Jarvis Martin addressed the council stating the concrete plant was in harmony with the neighborhood and would have no adverse affect on property values.

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Ron Horvath stated the site plan for the proposed concrete plant conforms to all current land development ordinances including any special requirements and supplementary requirements.

The Mayor asked if there were questions from the council or other interested parties.

Council Member McKissick asked the applicant to provide information relative to the six foot fence.

Ron Horvath stated the fence would be located along the road frontage with additional plantings.

Larry Spence, representing Southern Equipment Company, spoke in support of the proposed plant.

The Mayor asked if there were questions from the council or other interested parties.

Council Member Larson asked how the modernization of the plant would mitigate dust and noise.

Larry Spence stated they would have more sophisticated dust equipment and the noise level would probably be reduced due to more vegetation and the fence.

Mayor Tennyson asked if there were any opponents present wishing to speak. [No opponents]

**Staff Recommendation**

Nazeem Abdul-Hakeem, of the City/County Planning Department, stated that staff recommended approval of the Major Special Use Permit.

City Attorney Blinder recommended that the staff report be made a part of the findings of council.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to adopt the "Order Granting, Upon Certain Conditions, a Major Special Use Permit for Southern Equipment Company, Inc., Case M97-9" [inclusive of staff's report] was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

**Ordinance #11379**

Mayor Tennyson closed the public hearing on Case M97-9.



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**SUBJECT: MAJOR SPECIAL USE PERMIT - DURHAM PUBLIC SCHOOLS BOARD OF  
EDUCATION (BROGDEN MIDDLE SCHOOL) CASE M97-11**

To hold the public hearing and evaluate the evidence presented and take one of the three actions below:

- a. **(Approval With or Without Conditions)** - To direct the Planning Director to prepare a decision granting with conditions the Use Permit in Case M97-11. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council's next meeting for action.)
- b. **(Disapproval)** - To direct the Planning Director to prepare a decision denying the Use Permit in Case M97-11. (Council should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action.)
- c. **(Approval and Adoption of Order)** - To adopt the "Order Granting, Upon Certain Conditions, a Major Special Use Permit for Durham Public Schools, Case M97-11."

Mayor Tennyson explained the proceedings for this item.

City Clerk Bowers swore in the following individuals: Mike Mulheirn; Hugh Osteen; Dan Jewell; John Frank Thompson; Helen Youngblood; Paul Norby; and Mark Ahrendsen.

The Mayor asked council to reveal any possible conflicts and to withdraw from this hearing if necessary. Also, the Mayor asked if any council member had been exposed to any evidence or information that may not come out at the hearing tonight.

Mayor Tennyson opened the hearing on Case M97-11.

**Testimony from Staff**

Helen Youngblood, of the City/County Planning Department, noted this request was for an addition to an existing school site. Ms. Youngblood briefed council on the surrounding uses; the renovations being proposed; parking requirements; access/exit points; traffic patterns; and buffer requirements. Ms. Youngblood stated the Development Review Board did approve the site plan subject to verifications and corrections at their January 23, 1998 meeting. She noted the site plan before the council this evening reflects the majority of DRB's concerns.

Mayor Tennyson asked if there were questions from the applicant, council or other interested parties. [No questions]

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**Testimony from Applicant**

Dan Jewell, representing the applicant, noted the school would be renovating existing ball fields. He stated the additions to the school were needed because classrooms built in 1958 nor longer meet the needs of students in 1998. Mr. Jewell reiterated that DRB had approved the site plan and the applicant was in compliance with the requirements of the ordinance.

Mayor Tennyson asked if there questions from the council or other interested parties.

Mayor Pro Tempore Clement asked if the surrounding neighborhood had any concerns about the proposal.

Dan Jewell stated they were not aware of any concerns from the neighborhood.

Helen Youngblood also noted that the administration did make contact with the neighborhood by mail and no one from the community came to the Development Review Board Meeting and no phone calls were received concerning this proposal.

Council Member McKissick asked if there would be any lighting on the ball fields.

Dan Jewell stated it was Durham Public Schools' policy to light only high school fields. Also, he stated there would be no changes in the boundaries of the site and the buffer would be left in a natural state.

Council Member Burnette asked if the construction at the North Pointe Mall, along with the proposed plans for the school, would impact the community.

Mike Mulheirn, of the Durham Public Schools, stated their proposal would be constructed in phases; therefore, he did not anticipate the impact to be that significant. Also, he noted the construction traffic for the school would access Duke Street to Hudson Street.

Mayor Tennyson asked if there were any opponents present wishing to speak. [No opponents]

**Staff Recommendation**

Helen Youngblood stated the administration recommended approval of the Major Special Use Permit and requested that the staff report be entered as part of the record.

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**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to adopt the "Order Granting, Upon Certain Conditions, a Major Special Use Permit for Durham Public Schools, Case M97-11" [inclusive of the staff's report] was approved at 8:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

**Ordinance #11380**

Mayor Tennyson closed the public hearing on Case M97-11.

**[OTHER MATTERS]**

**SUBJECT: DISTRIBUTION (SALE) OF BEER TO THE GENERAL PUBLIC ON THE OMNI PLAZA, DURHAM ALIVE CONCERT, DURHAM JAYCEES**

John Biggs, representing the Durham Jaycees, spoke in support of the request.

Mayor Pro Tempore Clement spoke in opposition to the sale of beer at the Durham Alive Concerts. He also read a letter from former County Commissioner Deborah Giles supporting his concerns.

**MOTION** by Council Member Larson seconded by Council Member Griffin to approve a request from the Durham Jaycees to distribute beer to the general public on the Omni Plaza as part of the Durham Alive! Concert conducted by Downtown Durham, Inc. and several private sponsors on Thursdays, April 30, May 28, June 25, July 30 (rain date August 13), August 27, and September 24, 1998 was approved at 8:33 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Griffin, Jacobs, Larson and McKissick. Noes: Mayor Pro Tempore Clement and Council Members Langley, Cox and Miller. Absent: Council Member Engelhard.

**SUBJECT: POSSIBLE RETURN OF CHRISTMAS PARADE IN THE CITY OF DURHAM**

To have the City Council consider ways and means of re-establishing a Christmas Parade in Durham beginning in 1998.

A motion was made by Council Member Cox to approve the item as printed on the agenda. This motion was seconded by Mayor Pro Tempore Clement.

Mayor Pro Tempore Clement requested a friendly amendment to the motion "re-establishing a Holiday Parade".

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Council Member Cox accepted the friendly amendment.

Stella Adams, a citizen, suggested that council utilize the service of the Recreational Advisory Committee to help with the Holiday Parade.

**MOTION** by Council Member Cox seconded by Mayor Pro Tempore Clement to have the City Council consider ways and means of re-establishing a Holiday Parade in Durham beginning in 1998; and to request the Mayor to appoint a sub-committee to work on this issue was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

**[ITEMS PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: REPORT OF THE DURHAM CRIME CABINET**

Chris Tiffany, a citizen, spoke on this item.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt the *Report of the Durham Crime Cabinet* dated December 11, 1997; and

To commend Mayor Pro Tempore Howard Clement, III for his work on this project was approved at 8:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

**SUBJECT: WATER AND SEWER CONSTRUCTION BY DEVELOPERS - REFUNDS**

Bob Novak, a citizen, stated he was no longer objecting to this policy; however, he requested that the refund/ten year policy be reviewed in Public Works.

**MOTION** by Council Member McKissick seconded by Council Member Jacobs to adopt a "Resolution Establishing a Refund Schedule for Water and Sewer Line Extensions" effective for projects initiated on or after April 1, 1998 was approved at 8:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

**Resolution #8433**

**March 2, 1998**

**[ITEM ADDED TO THE AGENDA]**

**SUBJECT: RESOLUTION MEMORIALIZING DR. GEORGE HITCHINGS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to direct the City Clerk to prepare a Resolution Memorializing Dr. George Hitchings was approved at 8:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Engelhard.

There being no further business to come before the Council, the meeting was adjourned into closed session.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk